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I hereby certify that this paper and all papers and fees referred to herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents, Washington, D.C.
Katrina T. Holland

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lightfoot et al.

Group Art Unit: 1638

Serial No.: To Be Assigned

Examiner: Kimball, M.

Filed: Herewith

Docket No.: 1268/2/2

For: SOYBEAN SUDDEN DEATH SYNDROME RESISTANT SOYBEANS, SOYBEAN CYST NEMATODE RESISTANT SOYBEANS AND METHODS OF BREEDING AND IDENTIFYING RESISTANT PLANTS

PRELIMINARY AMENDMENT

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

AMENDMENTS

Please amend the subject U.S. Continuation Patent Application as follows:

IN THE SPECIFICATION:

Please replace the paragraph beginning at page 1, line 6, with the following rewritten paragraph:

--This application is a continuation of co-pending U.S. patent application serial no. 09/007,119 filed January 14, 1998, which claims priority to U.S. provisional patent application serial no. 60/035,335, filed January 14, 1997, both of which are incorporated herein by reference in their entirety.--

Please delete the Sequence Listing on pages 101-110, and replace with the substitute Sequence Listing attached hereto.

IN THE CLAIMS:

Please amend the claims as follows:

Please cancel claims 2, 5-7, 15-21, 23, 29, 32 and 34.

09/07/2001 09:00:00

REMARKS

Claims 1, 3, 4, 8-14, 22, 24-28, 30, 31, 33, and 35-42 are now pending in the present application. Claims 2, 5-7, 15-21, 23, 29, 32 and 34 have been canceled herein by preliminary amendment in view of the prosecution of these claims in the parent application, U.S. Patent Application Serial No. 09/007,119 filed January 14, 1998, of the present application. It is further noted that the present application comprises a photocopy of the parent application as filed.

Additionally, the specification has been amended to include a paragraph which reflects the priority claim to the parent application, U.S. Patent Application Serial No. 09/007,119 filed January 14, 1998.

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Pursuant to 37 C.F.R. § 1.121, attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with Markings to Show Changes Made."

DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayments in connection with the filing of this Preliminary Amendment to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: September 18, 2001

By: _____

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PATENT TRADEMARK OFFICE

VERSION WITH MARKINGS TO SHOW CHANGES MADE
IN THE SPECIFICATION:

The paragraph beginning at page 1, line 6, has been amended as follows:

--This application is a [regular United States patent application under 37 C.F.R. § 1.111(a) based on and claiming priority to United States Provisional Application Serial Number] continuation of co-pending U.S. patent application serial no. 09/007,119 filed January 14, 1998, which claims priority to U.S. provisional patent application serial no. 60/035,335 filed January 14, 1997, both of which are incorporated herein by reference in their entirety.--